DOCKET NO.: MOR-0040 Application No.: 09/912,697

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Office Action Dated: July 27, 2004

PATENT REPLY FILED UNDER EXPEDITED PROCEDURE PURSUANT TO 37 CFR § 1.116

This listing of claims will replace all prior versions, and listings, of claims in the application. Listing of Claims:

1. (Previously presented) A method for generating antibiotic resistant bacteria comprising the steps of:

introducing a dominant negative allele of a mismatch repair gene into said bacterium whereby said bacterium becomes hypermutable;

contacting said bacterium with a plurality of antibiotics; selecting a bacterium that is resistant to said plurality of antibiotics; and culturing said bacterium;

thereby generating antibiotic resistant bacteria.

- 2. (Canceled)
- 3. (Currently amended) The method of claim 21 wherein said dominant negative allele of a mismatch repair gene is a *PMS2-134* gene.
 - 4-13. (Canceled)
- 14. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a quinilone.
- 15. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises an aminoglycoside.
- 16. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a magainin.
- 17. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a defensin.
- 18. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a tetracycline.
- 19. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a beta-lactam.
- 20. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a macrolide.

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- 21. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a licosamide.
- 22. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a sulfonamide.
- 23. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a chloramphenicol.
- 24. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a nitrofurantoin.
- 25. (Previously presented) The method of claim 1 wherein said plurality of antibiotics comprises a isoniazid.
 - 26. (Canceled)
- 27. (Original) The method of claim 1 further comprising making antibiotic resistant bacteria genetically stable.
 - 28-37. (Canceled)
- 38. (Previously presented) An antibiotic resistant bacterium wherein said bacterium is resistant to a plurality of antibiotics, and wherein said bacterium comprises a dominant negative allele of a mismatch repair gene.
 - 39-41. (Canceled)
- 42. (Previously presented) The antibiotic resistant bacteria of claim 38 wherein said dominant negative allele of a mismatch repair gene is *PMS2-134*.
- 43. (New) A method for generating antibiotic resistant bacteria comprising the steps of:

introducing a dominant negative allele of a mismatch repair gene into said bacterium whereby said bacterium becomes hypermutable;

contacting said bacterium with a plurality of antibiotics;

selecting a bacterium that is resistant to said plurality of antibiotics; and

culturing said bacterium;

thereby generating antibiotic resistant bacteria,

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wherein said plurality of antibiotics comprises a quinilone, a magainin, a defensin, a tetracycline, a beta-lactam, a macrolide, a licosamide, a sulfonamide, a chloramphenicol, a nitrofurantoin, an isoniazid, or vancomycin.

- 44. (New) The method of claim 43 wherein said dominant negative allele of a mismatch repair gene is a PMS2-134 gene.
- 45. (New) The method of claim 43 wherein said dominant negative allele of a mismatch repair gene is a *PMSR3* gene.
- 46. (New) The method of claim 43 further comprising making antibiotic resistant bacteria genetically stable.
- 47. (New) The method of claim 43 wherein said plurality of antibiotics further comprises an aminoglycoside.
- 48. (New) An antibiotic resistant bacterium wherein said bacterium is resistant to a plurality of antibiotics comprising a quinilone, a magainin, a defensin, a tetracycline, a betalactam, a macrolide, a licosamide, a sulfonamide, a chloramphenicol, a nitrofurantoin, an isoniazid, or vancomycin, and wherein said bacterium comprises a dominant negative allele of a mismatch repair gene.
- 49. (New) The antibiotic resistant bacteria of claim 48 wherein said dominant negative allele of a mismatch repair gene is PMS2-134.
- 50. (New) The antibiotic resistant bacteria of claim 48 wherein said dominant negative allele of a mismatch repair gene is PMSR3.